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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

RICHARDO ANGEL NAVARRETTE,)
)
 Plaintiff,)
)
 v.)
)
 THE UNITED STATES OF AMERICA,)
)
 Defendant.)

Case No. C 04-0760 JSW
E-FILING CASE

**STIPULATED REQUEST TO VACATE
 PRETRIAL AND TRIAL DATES
 PENDING SUMMARY JUDGMENT
 RULING**

This is a Federal Tort Claims Act case that is currently set for bench trial beginning August 29, 2005. The pre-trial conference is scheduled for August 8, 2005.

The United States' summary judgment motion based on the discretionary function exception is now pending before the Court. The Court issued a tentative ruling on May 19, 2005, and heard oral argument on May 20.

I. Reasons for the Parties' Request.

The parties must take numerous expert depositions (5 by Navarrette, 4 by the United States) before the current July 30 cutoff for expert discovery. To save both parties the considerable expense and time that these depositions will require, the parties respectfully ask the Court to vacate the remaining pre-trial dates and the trial date in this case, pending the Court's ruling on the summary judgment motion.

1 If summary judgment is denied, the parties suggest a status conference to reset the remaining
2 scheduling deadlines in this case.¹

3 So stipulated and respectfully submitted,

4 KEVIN V. RYAN
United States Attorney

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6 Dated: July 11, 2005

7 /s/
OWEN P. MARTIKAN
Assistant United States Attorney
Attorneys for Defendant

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9 BOZMAN-MOSS & WATSON

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11 Dated: July 11, 2005

12 /s/
BARBARA BOZMAN-MOSS
Attorneys for Plaintiffs

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14 **ORDER**

15 Per the parties' stipulation and for good cause shown, the Court hereby vacates the trial
16 and pretrial dates in this case, pending its ruling on defendant's motion for summary judgment.

17 SO ORDERED.

18 Dated: July 15, 2005

19 /s/ Jeffrey S. White
20 HON. JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

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28 ¹ A trial date in mid-October would conflict with some witnesses' celebration of Rosh Hashanah and Yom Kippur.